

Senate Bill No. 1142

Passed the Senate August 26, 2010

Secretary of the Senate

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 10252.5 to the Public Resources Code, relating to agricultural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1142, Wiggins. Agricultural resources: grants.

The California Farmland Conservancy Program Act establishes a program for grants from the Department of Conservation for the acquisition of agricultural conservation easements or fee title.

The act imposes requirements for the funding of agricultural conservation easements. The act creates the California Farmland Conservancy Program Fund. The moneys in the fund, upon appropriation, are required to be used for the purposes of the program, including the purchase of agricultural conservation easements. The act requires an applicant for an agricultural conservation easement to meet specified eligibility criteria related to commercial agricultural production and agricultural land conservation, and specifies criteria the Director of Conservation is required to consider in evaluating the proposal.

This bill, notwithstanding any other provision of the act, would authorize the Director of Conservation to make grants from a source other than the fund, and, upon appropriation by the Legislature from that source, disburse moneys for those grants to an applicant for the acquisition of an agricultural conservation easement, if the director determines that the grant meets the purposes of the act and additional specified requirements, including that the easement does not, and will not, substantially prevent agricultural uses on the easement property and that any restriction on the current or reasonably foreseeable agricultural use of the easement property would only be imposed to restrict those areas of the property that are not in cultivation.

Existing law also establishes the Soil Conservation Fund, which provides money, upon appropriation by the Legislature, for specified land use purposes.

This bill would establish the Farm, Ranch, and Watershed Account within the Soil and Conservation Fund from which money would be disbursed to provide the above grants.

The people of the State of California do enact as follows:

SECTION 1. Section 10252.5 is added to the Public Resources Code, to read:

10252.5. (a) Notwithstanding any other provision of this division and subject to subdivision (b), the director may make a grant, and disburse moneys for that grant from a source other than the fund, to an applicant for the acquisition of an agricultural conservation easement, if the director determines that the grant meets the purposes of this division and upon appropriation by the Legislature with regard to state funds from a source other than the fund.

(b) An agricultural conservation easement that is funded by a grant issued pursuant to subdivision (a) shall meet all of the following requirements:

(1) The primary purpose for which the easement is being sought is consistent with continuing agricultural use of the easement property.

(2) The easement does not, and will not, substantially prevent agricultural uses on the easement property.

(3) Any restriction on the current or reasonably foreseeable agricultural use of the easement property would only be imposed to restrict those areas of the easement property that are not in cultivation.

(4) If the easement property has characteristics or qualities that meet the original purpose of the funding source as cultivated land, the easement property may continue to be commercially cultivated with the minimum restrictions necessary to meet the original funding source requirements.

(5) The nonagricultural qualities that will be protected by the easement are inherent to the easement property.

(6) The easement will require that a subsequent easement or deed restriction placed on the easement property will be subordinate to the agricultural conservation easement and require approval of the director.

(c) (1) In enacting this provision, it is the intent of the Legislature that moneys other than those appropriated to the fund be used to provide grants to implement this section.

(2) The Farm, Ranch, and Watershed Account is hereby established within the Soil and Conservation Fund. Moneys in that account shall be used to provide grants to implement this section.

Approved _____, 2010

Governor